

Translation

PATENT COOPERATION TREATY

PCT/FR2003/002660



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/002660	International filing date (day/month/year) 05 septembre 2003 (05.09.2003)	Priority date (day/month/year) 29 octobre 2002 (29.10.2002)
International Patent Classification (IPC) or national classification and IPC B60J 7/02		
Applicant HEULIEZ		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13 mai 2004 (13.05.2004)	Date of completion of this report 27 September 2004 (27.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/002660

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1,3-5, as originally filed
 pages _____, filed with the demand
 pages 2, filed with the letter of 29 June 2004 (29.06.2004)
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-4, filed with the letter of 29 June 2004 (29.06.2004)
- ☒ the drawings:
 pages 1/3-3/3, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/02660

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4	YES
	Claims		NO
Inventive step (IS)	Claims	1-4	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-3 536 354 (INGRAM CYRIL J) 27 October 1970
(1970-10-27)

2. D1 is considered to represent the prior art closest to the subject matter of claim 1 and describes (figures 1 and 8) (the references in brackets are to that document):

A retractable roof (1, 2) for an automotive vehicle, comprising at least one front roof element (1) and one rear roof element (2) which are rigid and can be moved between a closed position, in which they cover the vehicle passenger compartment, and a stowage position, in which the rear roof (2) is stowed in the vehicle boot, the rear element (2) being adapted to be moved by means of pivoting arms and guided by rails (10) that extend into the boot, the roof comprising a first arm (7) articulated, transversely to the plane of symmetry of the vehicle, at one end on the vehicle chassis and, at the other end, on one end of a second arm (8)

which is articulated at its other end on the rear element (2), likewise transversely to the plane of symmetry of the vehicle.

The subject matter of claim 1 differs from this retractable roof in that

the pivoting arms comprise first drive means (9) for rotating the first arm relative to the vehicle chassis and second drive means (15) for rotating the second arm relative to the first arm.

Therefore the subject matter of claim 1 is novel (PCT Article 33(2)).

3. The problem addressed by the present invention can thus be considered that of controlling in optimum manner the movement of the first and second arms, such that the rear roof part can be stowed in a boot having a shorter useful length.
- 3.1 The solution to this problem proposed in claim 1 of the present application is considered to involve an inventive step (PCT Article 33(3)) since no combination of the citations suggests the technical solution as per the invention.
4. Claims 2 to 4 are dependent on claim 1 and thus also satisfy the PCT novelty and inventive step requirements.
5. The claimed subject matter concerns a retractable roof and has industrial applicability in vehicles, for example.